



# Focus

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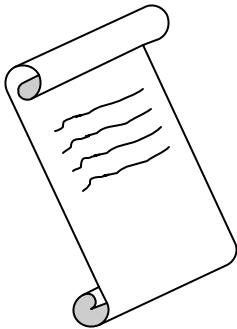
## Permitting Facilities that Store or Treat Dangerous Wastes

Washington state regulates how people handle wastes that can be dangerous to people and the environment. These *dangerous wastes* may be from throwing away items such as pesticides, paints, solvents, cleaning fluids, and petroleum products. It can also come from the manufacturing of goods and from cleaning and maintaining property. If a product's label shows it is hazardous, then it will likely be dangerous waste when it is thrown away.

### Permit needed to manage dangerous waste

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Someone proposing to treat or store dangerous waste in the state must obtain a permit (although there are limited exemptions for people treating their own waste). A facility that has an expiring permit must ask to renew its permit to keep operating.



The Department of Ecology (Ecology) carries out the state's permit program. The U.S. Environmental Protection Agency (EPA) carries out the federal permit program. EPA covers a smaller group of wastes than the state program. EPA calls the wastes it regulates *hazardous wastes*.

Sometimes an existing facility can operate before it obtains its permits. This occurs under a "grandfathering" process called *interim status*. Such a facility can continue to treat and/or store waste until Ecology and EPA finish the permit process. To enter interim status, a facility must fill out a *Part A form*.

### Permit contents

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The permit includes details on how the facility is constructed and operated. It describes where the facility is located and what buildings and other structures are used to store or treat wastes. It also describes how the facility will:

- ✓ Prevent hazards, such as fires or spills to soil or water.
- ✓ Be ready to take care of hazards, such as keeping fire extinguishers at hand.
- ✓ Respond to an emergency, such as a fire or spill, if it happens.
- ✓ Identify wastes.
- ✓ Properly hold (or store) wastes in drums or tanks.
- ✓ Control release of fumes (called *air emissions control*).
- ✓ Find and clean up areas where hazardous substances or wastes were spilled to soil or water and not removed (called *corrective action*).
- ✓ Clean the storage and/or treatment areas when they want to stop operating.
- ✓ Ensure funds are set aside to clean the site when the facility stops operating.

Most of this information comes from the facility's application. This application typically ranges from one to six 3-inch volumes because of the needed detail.

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## Permits cover federal and state requirements

Sometimes EPA and Ecology combine their permits into a single permit covering both agencies' requirements. Other times, the agencies issue separate permits.

If EPA and the state both wrote permits, they would duplicate each other's work. Therefore, EPA has *authorized* Ecology's dangerous-waste program. This means that Ecology writes a permit that covers the bulk of the requirements. EPA's permit covers only a few specific areas, usually involving federal requirements that Washington State has not yet adopted. In some cases, Ecology has adopted the requirement, but EPA has not yet authorized that addition to the state program.

EPA has the authority to enforce any condition in a state-issued permit that is based on federal regulations for which the State of Washington's dangerous waste management program is authorized.

## The permit process

The facility applies for a permit, or a renewal, by submitting an in-depth *Part B Application*.

Sometimes an applicant proposes a new facility or wants to significantly expand an existing facility. In that case, the applicant must write to Ecology about the proposal 150 days beforehand. In that packet, called a *Notice of Intent*, the applicant must show that the site meets criteria for siting dangerous waste facilities. A new facility must show it meets the criteria before the permit process can continue. An existing facility that does not meet the criteria can show that it will make the site safer to operate. This notice of intent triggers a meeting that the applicant sponsors.

Because Ecology's program is authorized, the department does most of the application review. Ecology staff check to see if the application contains all the information the Dangerous Waste Rules require. They also check to see that the proposed facility can actually be built and operated safely and that it will do what the applicant says it will.

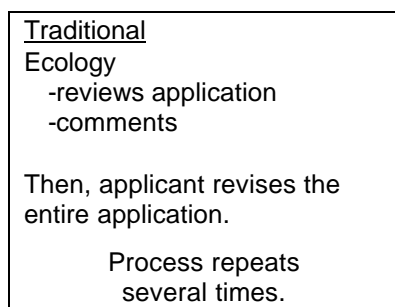
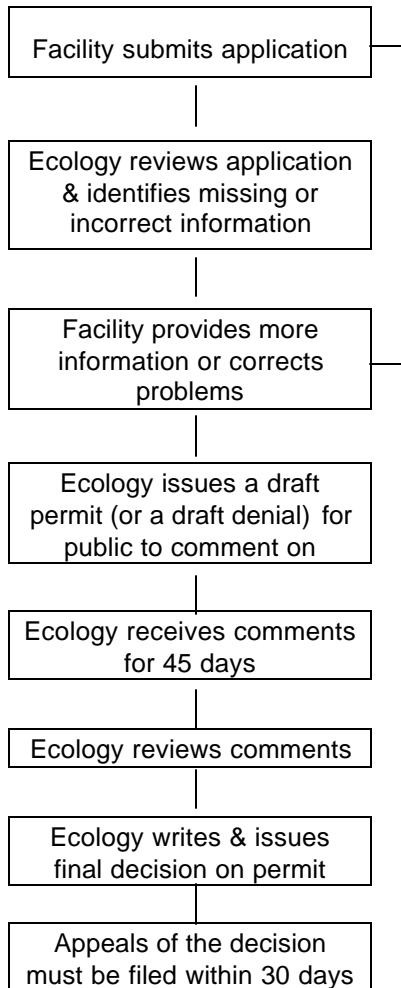
Sometimes a piece of the application is missing, or the application does not support statements that the facility can operate safely and properly. Then, Ecology asks for more information or for changes. The department evaluates any new information and decides whether it needs clarifications, additions, or corrections. This process may occur several times, until Ecology has enough information to decide whether to issue or deny the facility's permit.

## Conducting the Review

The department can do the review in one of two ways: the *traditional* review process or the *expedited* process.

### ✓ Traditional process

The department reviews the entire application, then prepares a report, called a *Notice of Deficiency*, detailing needed changes and additions. Next, Ecology requires an update to the application. This process can be repeated several times. Each cycle takes about two years. Over all, this process can take four to 10 years to get to a permit decision.



#### Expedited

##### Applicant

- revises section or two of application at a time

Then Ecology reviews that section and comments.

Process repeats for each section.

#### ✓ Expedited process

The department meets regularly with the applicant. At each meeting:

- ✓ The facility provides a revised part of the application.
- ✓ Ecology explains its review of the piece submitted the previous month.

After the meeting:

- ✓ The applicant takes these comments to fix the problems.
- ✓ Ecology reviews the newly submitted section and writes comments.

At the next meeting, the process repeats. The aim is for the review and discussion process to happen once for each piece of the application. This process generally occurs over a period of one to two years. That is why it is called “expedited.”

At the end of either process, Ecology receives a full application, with all of the corrections made. The next step is to decide whether to issue or deny the permit.

## **Other reviews**

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The project also must be evaluated for its effects on the environment and its conformity to local building and zoning ordinances.

The State Environmental Policy Act, or SEPA, requires a look at the environmental effects the facility could cause. It also requires a look at possible measures to reduce those effects. Usually, the city or county does the SEPA review. For existing facilities, the review has often been done before Ecology receives an application. For new or expanding facilities, the review usually still needs to be completed.

Sometimes, Ecology takes the lead for SEPA because the city or county:

- ✓ Issued its permits before the SEPA requirement existed; or
- ✓ Wants Ecology to be SEPA lead because of its experience

The SEPA evaluation must be documented in:

- ✓ A “determination of nonsignificance,” meaning an environmental impact statement (EIS) is not needed. This document includes a brief report on possible environmental effects from the project and some measures to mitigate effects; or
- ✓ An EIS. An EIS is a detailed evaluation of potential effects and measures to reduce environmental harm.

The city or county checks for compliance with local planning and building codes. Ecology works with the city or county to let it know we have received a proposal and to provide any needed pieces of the application.

## **The draft permit decision**

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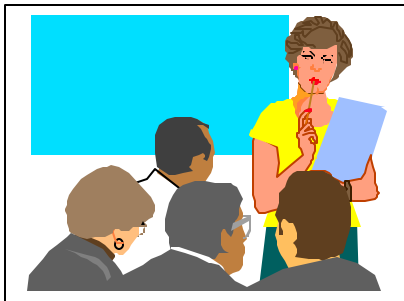
After finishing the review, Ecology prepares a draft decision on the permit. The decision can be to either issue or deny the permit. If approved, the permit will allow the applicant to construct and operate the facility (although many facilities already exist and do not need to do any construction). If Ecology thinks it may deny the application, the “draft permit decision” explains Ecology’s determination. The Department of Ecology is one of the agencies in the nation that has denied permits to facilities.

Each permit contains conditions or requirements that Ecology and/or EPA write for the facility to follow. They include measures to reduce effects on people and the environment.

## Public reviews draft permit

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The public has a chance to review every draft permit. There will be at least 45 days for people to review the permit and provide comments. Ecology publishes a notice in a local newspaper and mails notices to interested people on a mailing list. If people want a public hearing to discuss the facility or the draft permit, then one is held. Ecology puts copies of the permit, application, and other reports near the site for people to see.



Ecology also writes a report, called a *fact sheet*. This report explains the many decisions the department made before writing the permit decision.

Ecology values comments from the public. Comments help the department make better decisions. The most effective comments:

- ❖ Give specific details on the problems the reader finds.
- ❖ Suggest specific changes to the permit.
- ❖ Provide facts to support any suggestions.
- ❖ Include copies of reports or other information cited (if Ecology may not have them).

## Responding to comments

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Ecology and EPA review the comments provided by the public, agencies and the applicant, including comments given at any hearing. Then the agencies determine what changes to make to the permit(s). Often the changes make the permit clearer to the applicant, the agencies, and/or the public. Other changes make the facility safer.

After considering the comments and testimony, the agencies prepare a response to comments and:

- ✓ Issue or deny the permit;
- ✓ Make changes to the permit and issue it; or
- ✓ Issue a new draft permit for more public comment.

## Denying permits

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Ecology sometimes must deny a permit. This occurs when Ecology finds:

- ✓ The location and/or activity endangers people's health and/or the environment. This is shown by the facility's failure to meet standards in the Dangerous Waste Rules. For example, the facility must prevent damage to water and air to the "maximum extent practical given the limits of technology."
- ✓ An applicant fails or refuses to correct deficiencies in the application.

Ecology may deny a renewal if the facility hasn't complied with the terms of its permit or has misrepresented facts or failed to disclose all the important facts.

## Public involvement

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When there is interest in a site, Ecology talks with people in the area. The aim is to find out people's concerns and the best ways for Ecology, the applicant, and the public to share information. This may include mailings and meetings. It may mean putting a copy of the application and other reports in the neighborhood very early during the process (rather than near the end of the process).

*To receive this in alternate format, please get in touch with the department at the contact phone numbers or address.*

## For more information

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Contact the Department of Ecology's Hazardous Waste and Toxics Reduction Program.

Reception: (360) 407-6700.

TTY for hearing impaired: 711 or 1-800-833-6388

Address: Dept. of Ecology, HWTR, P.O. Box 47600, Olympia, WA 98504-7600